

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

TYCO FIRE PRODUCTS LP,
Plaintiff,
v.
AIU INSURANCE COMPANY, *et al.*
Defendants.

Civil Action No. 2:23-cv-02384-RMG

ORDER

After careful consideration, the Court **DENIES** Defendants AIU Insurance Company, American Home Assurance Company, Granite State Insurance Company, Insurance Company of the State of Pennsylvania, National Union Fire Insurance Company of Pittsburgh, Pa., and New Hampshire Insurance Company (collectively, the “AIG Insurers”)’s motion to dismiss or stay this action. (Dkt. No. 283). As established by prior order, this Court has jurisdiction over this matter and declines to abstain in favor of the Wisconsin Action. *See, e.g.*, (Dkt. No. 103 at 15-19); (Dkt. No. 196). That said, Public Water System plaintiffs in the AFFF MDL have moved for preliminary approval of a class action settlement agreement with Plaintiff Tyco Fire Products LP (“Tyco”). *See City of Camden, et al. v. Tyco Fire Products LP, et al.*, C.A. No. 2:24-cv-2321-RMG. As Tyco will not participate in the telomer bellwether trial, the Court finds it appropriate to enter a new scheduling order reflecting this development but still providing for the prompt resolution of this matter. *See* (Dkt. No. 103 at 19) (“Considering the importance of a timely adjudication of Plaintiff’s coverage issues to the potential resolution of the thousands of cases pending against Tyco in the AFFF MDL, the Court has determined it cannot responsibly abstain from the exercise of its jurisdiction over these coverage disputes. Consequently, in the exercise of its discretion, the

Court denies Defendants' requests to abstain in this action."'). Accordingly, the parties are directed to meet and confer and propose a joint amended scheduling order for the Court's consideration within 10 days of this order. If the parties cannot agree on a scheduling order, the parties shall submit their respective proposals.

AND IT IS SO ORDERED.

s/Richard Mark Gergel
Richard Mark Gergel
United States District Court

April 29, 2024

Charleston, South Carolina